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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,313	10/23/2001	Steven J. Wojcik	KCX-435 (16066)	9842

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11/18/2003

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EXAMINER

RIVERA, WILLIAM ARAUZ

ART UNIT	PAPER NUMBER
3654	

DATE MAILED: 11/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/040,313

Applicant(s)

WOJCIK ET AL.

Examiner

William A Rivera

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 20-25 is/are rejected.
- 7) ☒ Claim(s) 13-15 and 17-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 12, 20 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Nystrand et al (U.S. Patent No. Re. 28,353).

With respect to Claims 1-9, 12, 20 and 25, Nystrand et al, Figures 1-23, teach a device for severing and carrying a web in a web winding operation, comprising:

a first and second blade, the blades operably connected and spaced apart a predetermined distance to form a gap, the gap is sized to receive a severing mechanism; and a unitary elongated mandrel connected to at least the first blade comprising a plurality of spaced pins.

With respect to Claim 25, the method described in these claims would inherently result from the use of device of Nystrand et al as advanced above.

Claims 1-9, 12, 20 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Heuff et al (U.S. Patent No. 3,567,552).

With respect to Claims 1-9, 12, 20 and 25, Heuff et al, Figures 1-8, teach a device for severing and carrying a web in a web winding operation, comprising:

a first and second blade, the blades operably connected and spaced apart a predetermined distance to form a gap, the gap is sized to receive a severing mechanism; and a unitary elongated mandrel connected to at least the first blade comprising a plurality of spaced pins.

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With respect to Claim 25, the method described in these claims would inherently result from the use of device of Heuff et al as advanced above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 11, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nystrand et al as applied to claims 1-9, 12, 20 and 25 above.

With respect to Claims 10, and 11, Nystrand et al do not mention the spacing of the blades. However, it would have been an obvious matter of design choice, as determined through routine experimentation and optimization, to dimension the distance of the blades of Nystrand et al or Heuff et al as specified in Claims 10, 11, 18, and 19, line 2 because one of ordinary skill would have been expected to have routinely experimented to determine the optimum dimensions for a particular use.

With respect to Claims 21, 22, 23, and 24, Nystrand et al do not mention the number of pins used. However, it would have been an obvious matter of design choice to provide Nystrand et al or Heuff et al with the necessary of pins as specified in Claims 21, 22, 23, and 24, line 2 because one of ordinary skill would have been expected to have routinely experimented to determine the optimum dimensions for a particular use.

***Allowable Subject Matter***

Claims 13-15 and 17-19 are allowed.

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***Response to Arguments***

Applicant's arguments filed September 5, 2003 have been fully considered but they are not persuasive.

With respect to applicant's remarks on page 9, regarding the term "integrated", it should be noted that the term "integrated" is sufficiently broad to embrace constructions united by such means as fastening and welding. Therefore the claims read on the Nystrand et al and Heuff references.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William A. Rivera whose telephone number is (703) 308-2684. The examiner can normally be reached Monday through Friday from 2:00 PM to 10:00 PM.

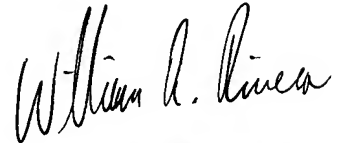
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (703) 308-2688.

Telephone status inquiries regarding this application should be directed to (703) 308-1113. **Facsimile correspondence** for this application should be sent to the following respective numbers:

For **BEFORE FINAL** correspondence: (703) 872-9326

For **AFTER FINAL** correspondence: (703) 872-9327



**WILLIAM A. RIVERA**  
**PRIMARY EXAMINER**

November 17, 2003